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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/449,772	11/26/1999	TAKASHI NITTA	Q57011	6687
7590	07/22/2004		EXAMINER	
SUGHRUE MION ZINN MACPEAK & SEAS PLLC 2100 PENNSYLVANIA AVENUE NW WASHINGTON, DC 200373202			WALLERSON, MARK E	
			ART UNIT	PAPER NUMBER
			2626	
			DATE MAILED: 07/22/2004	

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/449,772	NITTA ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Mark E. Wallerson	2626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 02 June 2004.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-15 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

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### **Part III DETAILED ACTION**

#### ***Notice to Applicant(s)***

1. This action is responsive to the following communications: amendment filed on 3/8/04 and RCE filed on 6/2/04.
2. This application has been reconsidered. Claims 1-15 are pending.

#### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, and 15 are rejected under 35 U.S.C. 102(e) as being anticipated by Kumada et al (Kumada) (U.S. 6,643,029).

With respect to claims 1, 4, 5, 6, 9, 10, 11, 14, and 15, Kumada discloses an image processing method for making it possible to read image data acquired from different data

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acquisition means (column 8, lines 5-9) and processing the read image data (column 8, lines 27-62), comprising presetting image data processing contents (by using input device profiles) by considering image processing operation characteristics of the image data acquisition means (column 8, lines 5-12), where the different types of image data acquisition means are assigned identification information (input device profiles which include ID information) for identifying the different types of data acquisition means (column 8, lines 5-62); reading the image data provided by the image data acquisition means as image data to be processed (column 8, lines 47-62); determining which image data acquisition means the image data to be processed is acquired by according to the ID information (column 8, lines 5-62); selecting the image processing contents corresponding to the determination result (column 8, lines 27-62 and column 9, lines 54-61), and processing the image data in accordance with the selected image data contents (column 8, lines 47-62).

With regard to claims 2, 7, and 12, Kumada discloses the ID information is model names assigned to the image data acquisition means (which reads on version information or device class information) (column 8, lines 47-52).

With respect to claims 3, 8, and 13, Kumada discloses the image data processing contents include image correction (color matching) (column 8, lines 47-66), including color saturation correction processing (column 9, lines 1-10).

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

6. Claims 1, 3, 4, 5, 6, 8, 9, 10, 11, 13, 14, and 15 are rejected under 35 U.S.C. 102(e) as being anticipated by Kondo (U.S. 6,281,992).

With respect to claims 1, 4, 5, 6, 9, 10, 11, 14, and 15, Kondo discloses an image processing method for making it possible to read image data acquired from different data acquisition means (column 3, line 59 to column 4, line12) and processing the read image data (column 4, lines 32-42), comprising presetting image data processing contents (by using input device profiles) by considering image processing operation characteristics of the image data acquisition means (column 4, lines 32-64), where the different types of image data acquisition means are assigned identification information (input device profiles) for identifying the different types of data acquisition means (column 4, lines 32-42); reading the image data provided by the

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image data acquisition means as image data to be processed (column 4, lines 3-12); determining which image data acquisition means the image data to be processed is acquired by according to the ID information (column 4, lines 43-64); selecting the image processing contents corresponding to the determination result (column 4, lines 32-64), and processing the image data in accordance with the selected image data contents (column 4, lines 32-64).

With respect to claims 3, 8, and 13, Kondo discloses the image data processing contents include image correction, including color correction processing (column 4, lines 42-52).

*Claim Rejections - 35 USC § 103*

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 2, 7, and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kondo in view of Mizuno et al (Mizuno) (U.S. 6,4226,800).

With respect to claims 2, 7, and 12, Kondo differs from claims 2, 7, and 12 in that he does not clearly disclose that the input profile includes ID information such as model names assigned to the image data acquisition means. Mizuno discloses an image processing system comprising plural input devices (figure 3) wherein model numbers are used to define the input terminals (column 8, lines 1-9). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Kondo wherein model names are used as ID

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information. It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Kondo by the teaching of Mizuno in order to allow the image processing system to easily recognize the input device.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark E. Wallerson whose telephone number is (703) 305-8581. The examiner can normally be reached on Monday-Friday - 6:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kimberly Williams can be reached on (703) 305-4863. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Mark E. Wallerson  
Primary Examiner  
Art Unit 2626

MARK WALLERSON  
PRIMARY EXAMINER

